

CHAPTER 6: LEAST RESTRICTIVE ENVIRONMENT - TABLE OF CONTENTS

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CHAPTER 6: LEAST RESTRICTIVE ENVIRONMENT

The IDEA states that, to the maximum extent appropriate, all students with disabilities, three (3) ~~to~~ through the day before the student's twenty-second (22nd) birthday ~~twenty-one (21) years of age~~, are to be educated with age-appropriate peers who are nondisabled. This is known as the least restrictive environment (LRE). The LRE is the appropriate balance of settings and services to meet the student's individual needs. The district shall have an array of services and a continuum of educational setting options available to meet the individual LRE needs of each student. See Section 2 of this Chapter for information on the continuum of settings and services.

An appropriate LRE is one that enables the student to make reasonable gains toward goals identified in an individualized education program (IEP) while being educated with peers who are nondisabled to the maximum extent appropriate as determined, **at least annually**, by the IEP team ~~on a case-by-case basis~~. The student's IEP shall indicate the LRE for the student and explain to what extent, if any, the student ~~will or~~ will not participate in the general education classroom environment, the general education curriculum, and extracurricular or other nonacademic activities. This provision includes students with disabilities placed in public or private institutions or other care facilities.

Special classes, separate schooling, and other removals of a student with a disability from the general education environment may occur only when the nature or severity of the disability is such that education in the general education ~~class environment cannot be achieved satisfactorily~~, even with the use of supplementary aids and services (see Chapter 5, **section TBD**), ~~cannot be achieved satisfactorily~~.

Section 1. Least Restrictive Environment Considerations

A. When to Make and Review Placement Decisions

Placement determinations are made under the following circumstances:

1. Placement decisions for a student with a disability are made following the determination of the **student's** individual needs, goals, and required services.
2. Placement decisions **shall be reviewed** ~~are revisited~~ at least annually by the IEP team, which includes the parent/adult student, **District Representative, General Education Teacher, Special Education Teacher or Provider**, and other persons **who are knowledgeable about the student, the meaning of an interpret the** evaluation data, and **are knowledgeable about** the placement options available.
3. Placement decisions **shall be** ~~are~~ reconsidered, as appropriate, when an IEP team is convened to review a student's academic, functional, or developmental progress.

B. Considerations in Placement Decisions

~~LRE decisions are made, at least annually, individually for each student.~~ LRE decisions shall be made on an individual basis for each student at least annually. The IEP team shall consider the following when determining the LRE in which the IEP can be implemented:

1. IEP Goals and Services: The student's goals and services are developed prior to the determination of the services and settings. ~~The services and settings needed by each student with a disability must be based on the student's unique needs that result from his or her disability, not on the student's category of disability.~~ The services and settings needed by each student must be based on the student's unique needs, not the student's category of disability.
2. ~~Age-Appropriate~~ Age-Appropriate Peers: Students with disabilities ages three (3) through the day before the student's twenty-second (22nd) birthday shall be educated with age-appropriate peers to the maximum extent appropriate. A student with a disability ~~is not~~ shall not be removed from age-appropriate general education environments solely because of needed accommodations and/or adaptations in the general education environment or curriculum based on the Idaho Content Standards.
3. School of Attendance: A student with a disability shall be educated in the school ~~the student he or she should~~ would attend if not disabled, unless the severity and extent of the student's disability is such that the student cannot be satisfactorily educated in that school. ~~IEP requires some other arrangement.~~ In such case, the ~~child's~~ student's placement shall be based on the ~~child's~~ student's individual needs and unique circumstances ~~IEP~~ and as close ~~to as~~ possible to the ~~child's~~ student's home.
4. Harmful Effects: Consideration shall be given to any potential harmful effect on the student or on the quality of services the student needs. Teams shall consider the potential benefits and harmful effects of the student not participating in the general education environment and accessing grade-level Idaho Content standards when instruction in a separate environment or with an adapted curriculum is being considered.
5. Accommodations and/or Adaptations: A student with a disability is not removed from ~~age-appropriate~~ general education settings solely because of needed accommodations and/or adaptations in the general education environment or curriculum.
6. Participation in Nonacademic and Extracurricular Services and Activities:
 - a. A student may not be denied the opportunity to participate in nonacademic and extracurricular services and activities based solely on the fact that a student has a disability or due to the student's current educational placement.
 - b. A student with a disability shall be allowed an equal opportunity to participate

with students without disabilities in nonacademic and extracurricular services and activities to the maximum extent appropriate. These services and activities may include **but are not limited to** meals, recesses, field trips, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA ~~district~~, referrals to community agencies **that provide assistance to individuals with disabilities**, career development, and **employment of students, including both employment by the LEA and** assistance in making outside employment available.

- c. The IEP team **shall consider and determine what** ~~determines~~ the supplementary aids and services ~~that~~ are appropriate and necessary for the student to participate in nonacademic **and extracurricular** ~~settings and extracurricular~~ services and activities **to afford students with disabilities an equal opportunity for participation in those services and activities.**

C. Documentation of Placement Decisions

If the student will not participate *entirely* in the general education classroom, curriculum, and/or nonacademic and extracurricular activities, the IEP shall include a written explanation justifying the IEP team's decisions **including the consideration of supplementary aids and services**. **This justification shall include** the consideration of **potential benefits or harmful effects of removing the student from the general education setting, curriculum, and/or nonacademic and extracurricular activities, with or without the provision of supplementary aids and services beyond the need for Specially Designed Instruction**. The district shall provide **written notice to the parent/adult student** ~~with prior written notice~~ whenever the IEP team proposes to change or refuses to change the educational placement of the student.

The IEP includes a section for reporting the educational environments required for the Federal Child Count. This section is for reporting the amount of time the student spends in the general education environment, with or without special education and related services.

Section 2. District Responsibility for Continuum of Settings and Services

The continuum of settings includes instruction in general **education classes**, special education **classes**, special schools, **home-instruction homebound settings**, **residential programs**, **and instruction in** hospitals, and **correctional facilities institutions**. In addition, the continuum **includes** ~~makes~~ provision for supplemental services, such as resource services or itinerant instruction, to be provided in conjunction with ~~the~~ general **education classroom**.

In determining appropriate settings and services for a student with a disability, the IEP team shall consider the student's needs and the continuum of ~~alternate~~ placements and related services **available-required** to meet those needs. Regardless of placement, the student shall be given appropriate access to the **age-appropriate, grade-level** general education curriculum **and**

the Idaho Content Standards that apply to all students, as determined by the IEP team. The district shall be able to justify the available continuum of services and placement decisions for individual students, which shall not be limited by LEA structure, LEA charter or mission statements, LEA policy, instructional philosophy, staffing, funding, or any other factors not based on the individual student's unique needs.

All LRE considerations also apply to preschool students ages three (3) until eligible to enroll in kindergarten to five (5) years with disabilities who are eligible for special education and, therefore, entitled to receive a free appropriate public education (FAPE).

1. Educational Settings for implementing IEPs for students of legal kindergarten-age kindergarten age are the same as for all other school-age students.
2. Settings for implementing IEPs for preschool-age students may include public or private early childhood programs.

Public schools that do not operate early childhood programs for preschool students without disabilities are not required to initiate such programs solely to satisfy LRE requirements. IEP teams in public schools that do not have an inclusive public preschool that can provide all the appropriate services and supports to meet the individual needs of preschool students with disabilities, shall explore alternative methods to ensure LRE requirements are met for preschool students ages three (3) until eligible to enroll in kindergarten to five (5) years, which may include:

1. providing opportunities for full-time or part-time participation (even part-time) of preschool students with disabilities in public or private regular early childhood programs operated for preschool students without disabilities by other agencies, such as Head Start;
2. placing preschool students with disabilities in the following:
 - a. private early childhood programs for preschool students without disabilities; or,
 - b. private early childhood programs or other community-based early childhood settings that integrate students with and without disabilities; and/or,
3. locating-providing classes for preschool students with disabilities in elementary schools, which may include participation in non-academic and/or non-curricular activities as appropriate to meet the individual needs of the students.

See Chapter 11 for information regarding prior written notice requirements that apply to proposed or refused changes in educational placement.

~~Section 3. Federal Reporting of LRE~~

~~The IEP includes a section for reporting the educational environments required for the Federal~~

~~Child Count (annual report of children served, collected on any date between October 1 and December 1 of each year). This section is for reporting the amount of time the student spends in the general education environment, with or without special education and related services. After determining the LRE and the educational environments in which the student will receive their general education instruction and special education services, the IEP team will document the educational environment for federal reporting.~~

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